

**BRAIN INJURY
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September 12, 2024

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *de Jesus Rodriguez et al v. Banks et al*, No. 23-cv-10356
Grullon et al v. Banks et al, No. 23-cv-10388

Dear Judge Failla,

As Your Honor is aware, the undersigned represents the Plaintiffs in the above-referenced matters. Pursuant to the Court's Order dated August 13, 2024 (ECF No. 37), the parties respectfully submit this status letter to provide an update on the progress of these cases.

De Jesus Rodriguez et al. v. Banks et al.

The parties are pleased to report that the Defendants have fully paid their pendency obligations for Y.N. under IHO Case No. 250846. With respect to M.C., under IHO Case No. 250887, by way of procedural background, the parties attended a pretrial conference on June 13, 2024. During the conference, Plaintiffs were instructed to determine what documentation could be produced to the Defendants regarding the provision of transportation services for M.C. Plaintiffs discussed an affidavit from M.C.'s parent, which the Defendants' counsel deemed sufficient to address their concerns. Plaintiffs subsequently submitted an updated version of the affidavit on August 9, 2024. The updated affidavit is currently under review by the Defendants, and a cursory review by Defendants counsel suggests that it complies with the Defendants' request to demonstrate that the transportation services were utilized. Plaintiffs will continue to engage with the Defendants to ensure that funding for these services is provided promptly.

Grullon et al. v. Banks et al.

In the matter of S.J.D., under IHO Case No. 251257, on September 12, 2024, Plaintiffs provided the Defendants with an affidavit from the Parent-Plaintiff verifying the days S.J.D. attended iBRAIN during the time S.J.D.'s pendency ran for the 2023-2024 school year until an FOFD was issued on November 17, 2024. Additionally, on September 12, 2024, Plaintiffs submitted an affidavit from the Director of Strategic Planning at iBRAIN corroborating the days that the Parent-Plaintiff stated S.J.D. was absent. Plaintiffs will continue working with Defendants to ensure appropriate authorization and funding for services during the pendency period.

Given the current status of these matters, Plaintiffs respectfully request an additional 30 days to resolve the outstanding issues, allow the defendants to review the documents that they have

received, and provide the Court with a further status update. The parties remain committed to working collaboratively to ensure all services owed to M.C. and S.J.D. are properly implemented.

Thank you for your consideration.

Respectfully submitted,

Mary Jo Whateley

Mary Jo Whateley (mw9535)

Cc: All Counsel of Record via ECF.

Application GRANTED. The parties shall file a letter on or before **October 14, 2024**, providing the Court with another status update.

The Clerk of Court is directed to docket this endorsement in No. 23 Civ. 10388 and No. 23 Civ. 10356.

The Clerk of Court is also directed to terminate the pending motion at docket number 38 in **No. 23 Civ. 10388**; and docket number 26 in **No. 23 Civ. 10356**.

Dated: September 13, 2024
New York, New York

SO ORDERED.

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE